

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: TRESSIE MONTENE DUFFY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Tressie Montene Duffy, M.D. ("Dr. Duffy"), freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-1, *et seq.*

FINDINGS OF FACT

1. Dr. Duffy currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 19978, issued originally in 1999. Dr. Duffy's address of record is in Martinsburg, West Virginia.

2. In February 2010, the Board and Dr. Duffy entered into a Consent Order, which stated, in part: "Dr. Duffy shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this order. The licensed mental health professional must be approved by the Board."

3. By a Complaint and Notice of Hearing entered August 26, 2010, the Board filed charges against Dr. Duffy for violating the terms of the February 2010 Consent Order, in that Dr. Duffy had not received treatment by a licensed mental health professional approved by the Board in the time period since the Consent Order took effect.

4. Dr. Duffy has now submitted and obtained approval from the Board for a licensed mental health professional to provide regular, individual psychological counseling to Dr. Duffy.

5. Dr. Duffy desires to enter into this Consent Order with the Board in lieu of proceeding to hearing on charges the Board filed against her in the Complaint and Notice of Hearing described in paragraph three (3), above.

6. This Consent Order supersedes the prior Consent Order entered into in February 2010.

7. To ensure that Dr. Duffy practices medicine in the State of West Virginia with a reasonable degree of skill and safety to her patients, the agreement to and fulfillment of the terms and conditions of this Consent Order are necessary.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. West Virginia Code § 30-3-1.

2. The February 2010 Consent Order found that probable cause existed to substantiate charges of disqualification of Dr. Duffy from the practice of medicine due to violations of the provisions of: West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to dishonorable, unethical, and/or unprofessional conduct; West Virginia Code § 30-3-14(c)(5) and (17) and 11 CSR 1A 12.1(o), (p), (x), and (bb), relating to failing to perform any statutory or legal obligation, filing a report the licensee knows to be false, failing to practice medicine acceptably, and otherwise violating the law; and West Virginia Code § 30-3-14(c)(9), and 11 CSR 1A 12.1(s), relating to making a deceptive, untrue, or fraudulent representation in

the practice of medicine and surgery; and 11 CSR 1A 12.2(d), relating to conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute.

3. Further probable cause exists to substantiate charges of disqualification of Dr. Duffy from the practice of medicine due to a violation of the provision of West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(bb), relating to violating a rule and lawful order of the Board.

4. The Board has determined that it is appropriate and in the public interest to terminate and strike from its docket the formal charges filed through its Complaint and Notice of Hearing against Dr. Duffy, provided Dr. Duffy enters into this Consent Order.

CONSENT

Tressie Montene Duffy, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Consent Order provided for and stated herein, and proceedings conducted in accordance with this Consent Order to the following:

1. Dr. Duffy acknowledges that she is fully aware that, without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Duffy acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, the right to cross-examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Dr. Duffy waives all such rights;

4. Dr. Duffy consents to the entry of this Consent Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Duffy understands that this Consent Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Duffy, the Board hereby **ORDERS** as follows:

1. Dr. Duffy is **PUBLICLY REPRIMANDED** for violating the terms of her February 2010 Consent Order;

2. Dr. Duffy is hereby assessed a **FINE** in the amount of one-thousand dollars (\$1,000) for violating the terms of her February 2010 Consent Order, receipt of which fine is acknowledged by the signatures of the President and Secretary of the Board hereon; and

3. Dr. Duffy shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this Order. The licensed mental health professional has been approved by the Board. Dr. Duffy is responsible for the licensed mental health professional providing quarterly reports to the Board during the eighteen (18) month period, including executing appropriate medical record

releases as necessary. Failure to comply with this provision shall expose Dr. Duffy to further disciplinary action by the Board.

Dated this 14th day of March, 2011.

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer
Reverend O. Richard Bowyer
President

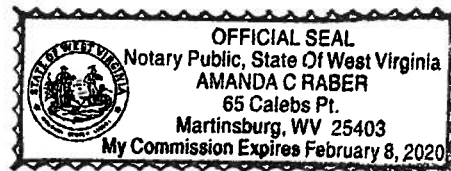
Catherine C Slomp
Catherine Slomp, M.D., M.P.H.
Secretary

Tressie Montene Duffy
Tressie Montene Duffy, M.D.

Date: 1-31-2011

STATE OF West Virginia

COUNTY OF Berkeley



I, Amanda C Raber, a Notary Public in and for said county and state,
do hereby certify that Tressie Montene Duffy, M.D., whose name is signed above, has this day
acknowledged the same before me.

Given under my hand this 31 day of January, 2011.

My commission expires 2/8/2020

A C Raber
Notary Public